

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02347

COUNSEL: None

JUN 24 1998

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

His record be corrected to show he declined to participate in the Reserve Component Survivors Benefit Plan (RCSBP) when he first became eligible.

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APPLICANT CONTENDS THAT:

He received incomplete and inadequate disclosure prior to completion of the election form. During communications with an ARPC Retirement Technician in June 1997, additional facts came to his attention. The SBP election form which he signed 17 years earlier was irrevocable. The dollar amounts could not be calculated in December 1979 for his pay in 1997, however, percentages were available and not provided as they should have. The letter he received from ARPC dated 19 December 1979 indicates attachments. Atch #2, RCSBP Information, consisted of a short paragraph in the cover letter and the second paragraph of the Notification Letter. There was no mention of it being irrevocable or the cost to member. He based his decision on incomplete information that may impact his retirement pay significantly.

In support of his request, the applicant attached a copy of the cover letter, the notification letter, his DD Form 1883 (Survivor Benefit Plan Election Certificate).

His complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The applicant was notified of his eligibility for participation in the RCSBP on 19 December 1979. He acknowledged his election on 28 January 1980. He elected spouse only coverage based on full retired pay.

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AIR FORCE EVALUATION:

The Director of Customer Assistance, ARPC/DR, reviewed the application and stated that the member was mailed information to make an RCSBP election. The package contained complete information on the RCSBP, including tables with which to calculate the cost. It explained the percentage of retired pay the beneficiary could expect to receive in event of member's death. Both the package and the DD Form 1883, Survivor Benefit Plan Election Certificate addressed the irrevocability of an election. There are no provisions to allow withdrawal from the RCSBP at this time. The member was provided all the necessary information to make an informed decision. They recommend denial of his request.

A complete copy of the evaluation is attached at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the evaluation and responded that he did not receive the same information that is described in the letter. The mail he received is what he attached to his application. There were no tables or percentages received in the ARPC mail dated 19 December 1979. He stated that he reviewed the DD Form 1883 which he completed and for the first time read the sentence stating the SBP is a permanent irrevocable decision. He strongly and sincerely feels the information received was grossly insufficient for a member to make a clear lasting decision of such importance.

His complete response is attached at Exhibit E.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We took notice of the applicant's contentions of being incorrectly advised regarding coverage of SBP and that he was not made aware that his decision was permanently irrevocable. However, the copy of his election certificate he attached to his application clearly states the decision is irrevocable and the effect should be considered very carefully. We have found no evidence that the applicant was not provided sufficient information to make an informed decision regarding his RCSBP election. Based on the above, we believe no basis exists to recommend granting the relief sought in this application.

4. However, Public Law (PL) 105-85 (effective 17 May 1998) provides an opportunity for retirees to terminate participation in the SBP beginning on the second anniversary of their receipt of retired pay. For further information applicant should contact the Retiree Services Branch (AFPC/DPPTR) at 1-800-531-7502.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

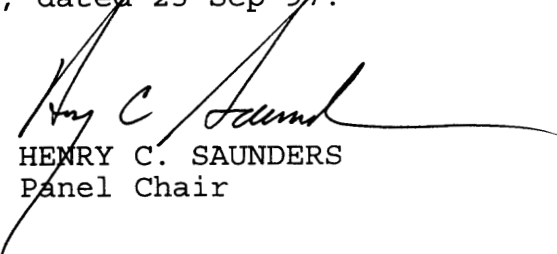
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The following members of the Board considered this application in Executive Session on 21 May 1998, under the provisions of AFI 36-2603:

Mr. Henry C. Saunders, Panel Chair  
Mrs. Barbara A. Weatgate, Member  
Ms. Ann L. Heidig, Member  
Ms Kay Byrne, Examiner (without vote)

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 5 Aug 97 with atchs.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, ARPC/DR, dated 28 Aug 97.  
Exhibit D. Letter, AFBCMR, dated 22 Sep 97.  
Exhibit E. Applicant's Letter, dated 23 Sep 97.

  
HENRY C. SAUNDERS  
Panel Chair